

**DENTAL QUALITY ASSURANCE COMMISSION  
BUSINESS MEETING MINUTES  
Thursday, February 8, 2007**

**Members Present:**

Mark Koday, DDS, Chair  
Pramod K. Sinha, DDS, Vice Chair

Abdul Alkezweeny, PhD., Public Member  
Padmaraj Angolkar, DDS  
John Davis, DDS, JD  
Robert Faine, DDS, MPH  
Terrance Hauck, MD, DDS  
Karen Homitz, DDS

Bernard Nelson, Public Member  
Lorin D. Peterson, DDS  
Fred Quarnstrom, DDS  
Jessica Saepoff, DDS  
Russell B. Timms, DDS  
Marshall H. Titus, DDS

**Staff Present:**

Lisa Anderson, Health Service Consultant 3  
Program Management  
Joy King, Executive Director  
Erin Obenland, Health Service Consultant 3  
Case Management Unit

Deonna Chartrey, Health Service Consultant 1  
Program Support Manager  
Sandra Adix, Assistant Attorney General  
Teresa Landreau, Staff Attorney, DOH

**Others Present:**

David Hemion, Assistant Executive Director – Washington State Dental Association (WSDA)  
Melissa Johnson, Lobbyist, Washington State Dental Hygiene Association (WSDHA) and  
Willamette Dental  
Bracken Killpack, Public Policy Project Coordinator, WSDA  
Bryan Edgar, DDS – Board of Directors, WSDA  
Linda Edgar, DDS, WSDA  
David Houten, DDS, Vice President, WSDA  
Andrea Henderson, WSDAA  
Lynn McDonough, RDA, WSDAA  
Karl Hoehn, Legal Service Manager, DOH  
Laura Farris, Senior Health Law Judge, Adjudicative Service Unit, DOH  
Beverly Thomas, Program Manager, Medical Quality Assurance Commission (MQAC), DOH  
Samuel Selinger, MD, MQAC  
Dave Magby, Chief Investigator, HSQA, DOH  
Don Painter, Assistant Chief Investigator, HSQA, DOH  
Lynnette Davis, Esq., Department of Social and Health Services (DSHS)  
Ross Beirne, DMD, PhD, University of Washington, School of Dentistry

## **OPEN SESSION – 5:30 p.m.**

### **1. CALL TO ORDER** – Mark Koday, DDS, Chair called the meeting to order at 5:40 p.m.

- 1.1. Introduction of Audience – The audience introduced themselves.
- 1.2. Approval of Business Meeting Agenda – The agenda was approved as presented.
- 1.3. Approval of the December 6, 2006 business meeting minutes – The December 6, 2006 business meeting minutes were approved with the exception of 8.5. Staff was asked to remove the reference of the ADEX examination from CITA.
- 1.4. Approval of the December 7, 2006 Panel A & B minutes – The December 7, 2006 Panel A & B minutes were approved as presented.

### **2. PRESENTATIONS**

- 2.1. Beverly Thomas, Program Manager and Samuel Selinger, MD, Medical Quality Assurance Commission (MQAC) provided information on Non-Surgical Cosmetic Procedures. A Power Point presentation handout was given to the commission to follow while an informative presentation was given by Dr. Selinger. Ms. Thomas will visit the Dental Hygiene Examining Committee meeting on February 9, 2007 to obtain information regarding the scope of practice for dental hygienists in this area. Program staff was asked to determine which tasks could be performed by general dentists and provide that information to MQAC by March 9, 2007. Ms. Anderson will attend a meeting between various interested parties regarding non-surgical cosmetic procedures on February 22, 2007. Representatives of the DOH (Medical, Dental, Osteopathic, Unlicensed, and Policy) and staff from the Department of Licensing (cosmetology program) are scheduled to attend.
- 2.2. Discussion regarding HB 2974, Delegation of cases to Health Law Judge as it relates to the Commission/Panel and the process to do so, was continued from the December 6, 2006 DQAC Business meeting. Karl Hoehn, Legal Services Manager and Laura Farris, Senior Health Law Judge gave examples of what type of cases should be delegated. Dr. Davis strongly advised, in lieu of current pending legislation, that the Commission not delegate its authority.
- 2.3. Dave Magby, Chief Investigator and Don Painter, Assistant Chief Investigator, HSQA, DOH, gave an overview of the Investigation Service Unit process and gave input on the previous discussion on HB 2974.

### **3. RULE MAKING**

- 3.1. Status of CR-103 Rules Adoption Package – Sexual Misconduct Rules for Dentists. Lisa Anderson reported that the CR-103 rule package was approved by the Director on February 7, 2007 and would be sent on for additional review when authorized. Once approved at all levels, the rules will be filed with the Code Reviser and will become effective 31 days after filing.
- 3.2. Dental Anesthesia Related Rules – Lisa Anderson, Program Manager, presented DQAC Members with the Anesthesia Rule Update – WAC 246-817-700's and WAC 246-817-

170, 175 and 180, as well as the ADA Draft Guidelines and Proposal/Comparison matrix. Dr. Ross Beirne, Chair of the Oral and Maxillofacial Surgery Department at the University of Washington, and Dental Anesthesia Committee (DAC) member, was invited to discuss the similarities and differences between the recommendations of the Dental Anesthesia Committee and the proposed draft guidelines currently being considered by the American Dental Association. After a comparison of the DAC recommendations and the ADA draft guidelines proposal, Dr. Beirne advised the commission that the recommendations the DAC had put forward were solid, defensible and reasonable, and he commented that the guidelines have not been completely vetted and it may be some time before the guidelines are adopted. The Commission then determined to proceed with rulemaking incorporating the DAC recommendations into the existing rules.

- 3.3. License Without Examination (LWOE) Related Rules – Lisa Anderson reported that they now have the tools to move forward with amendment of these rules. Ms. Anderson will work with Dr. Peterson to amend these rules to reflect new decisions with the acceptance of exam results from all jurisdictions and with the licensure without examination program.
- 3.4. Susan Gragg, Program Manager, MQAC, previously provided the First Draft Rules for Retired Volunteer Medical Workers (RVMW) and requested comment by February 16, 2007. Commission members were encouraged to provide comments directly to Ms. Gragg.
- 3.5. David W. Dormans, DDS, MS, Puget Sound Outpatient Anesthesia, requested Lisa Anderson to present his letter dated February 5, 2007 giving his observation on the Dental Anesthesia rules amendments. The Commission asked that Dr. Dormans be thanked for his thoughtful comments and continued interest in the amendment of the anesthesia regulations. He will be encouraged to remain active throughout the formal rule making and public comment process.

**4. PROGRAM REPORT** – Joy King, Executive Director; Lisa Anderson, Health Services Consultant; Erin Obenland, Disciplinary Manager; Staff Attorneys.

- 4.1. Budget Report – the December 2006 and January 2007 interim operating reports were provided to the Commission. Lisa Anderson reported that the budget deficit continues and there is currently pending legislation that may provide a tiered structure for fees.
- 4.2. Anti Rebating Statute – Talking Points – Wright v. Jeckle – Joy King, Executive Director explained there is now a law allowing providers to receive compensation for professional services rendered.
- 4.3. Legislation
  - HB 1099 – Regulating certain dental professions – Dental Assistants and Expanded Function Dental Auxiliaries – Dr. Davis, DQAC representative for weekly Legislative Updated phone calls, pointed out discrepancies with the definitions in the draft language and other areas of concern.
  - HB 1300 – Modifying the powers and duties of health care disciplining authorities – Dr. Davis commented on the strict conditions proposed on licenses, modifies the

Uniform Disciplinary Act and that this follows the California model as it relates to charging fines for failing to provide records to the disciplinary authority.

- HB 1103 – Concerning health professions – Revised for 1<sup>st</sup> Substitute: Increasing the authority of regulators to remove health care practitioners who pose a risk to the public – This bill is strongly opposed by the Commission. This bill takes authority away from the Commissions and gives more authority/responsibility to the Secretary of Health.
- 4.4. Case Management Unit update – Erin Obenland, Disciplinary Manager reported the Investigation Service Unit authorization process went well and is easier for staff to assign cases. Erin requested Commission members to sign up for “weekly case authorization Meet-me-Calls.”
- 4.5. New Procedure 208, Hold Code – The disciplining authority may determine that a case should be put on hold pending another entity’s action. A copy of the procedure and a Power Point presentation were provided to the Commission. Erin Obenland explained there are times when the disciplinary process is delayed due to another entity’s activities. In those instances, it may be appropriate to put the Department case “on hold” to allow for resolution by the other entities. This status will prevent cases from showing up on Timelines as in arrears and provides a better tracking mechanism for this type of cases. This data has a significant impact on the data that is reported to the Governor’s Office through the GMAP presentations.

## **5. AMERICAN DENTAL ASSOCIATION, AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS, AMERICAN ASSOCIATION OF DENTAL EXAMINERS, DENTAL ASSISTANT NATIONAL BOARDS, NATIONAL PRACTITIONER DATA BANK**

- 5.1. The Bulletin – AADE – Winter 2006 – Provided to the Commission for information only.
- 5.2. Data Bank News – January 2007 – Provided to the Commission for information only.
- 5.3. Commission on Dental Accreditation (CODA) – Site review May 15-17, 2007 – Yakima Valley Farm Workers Clinic/Northwest Dental Residency – Courtesy request. The Commission determined it would not select representatives to participate in the site visit and staff will notify Ms. Sherin Took, of the Commission on Dental Accreditation, of this decision no later than February 26, 2007.
- 5.4. The 2007 AADE Annual Meeting dates have been re-scheduled to Wednesday-Thursday, September 26-27, 2007 – This date change was provided to the Commission for information only. Attendees will be selected when official notice and registration forms are distributed later in the year.

## **6. REGIONAL BOARD UPDATES**

- 6.1. Western Regional Examination Board – Board of Director Meeting Report – January 5-6, 2007 – Dr. Lorin Peterson provided an update of the Board of Directors meeting. Official meeting minutes will be distributed when received.

- 6.2. Central Regional Dental Testing Service – 2007 Dental testing/meeting dates – Provided to the Commission for information only – Dr. Timms will be attending a Board of Director’s meeting on February 10, 2007.
- 6.3. Southern Regional Testing Agency – Provided to the Commission for information only.

## **7. OTHER REPORTS**

Maryland Dental Board – Compliance/Sanction Concepts – Dr. Marshall Titus provided information on Maryland’s system for using the provision of Pro Bono Services as a disciplinary sanction. There was discussion among the Commission but no agreement was reached that this should be considered in Washington. Dr. Titus would like to have further discussions on this potential sanction.

## **8. CORRESPONDENCE**

- 8.1. Letter, dated November 22, 2006, from Mr. Terre Harris regarding CDC Recommendations – A decision was made to send a thank you letter to Mr. Harris and contact WISHA for a future presentation to the Commission.
- 8.2. Washington State Dental Association letter, dated December 18, 2006, regarding handling of sexual misconduct rule – Provided to the Commission for information only.
- 8.3. Letter from Dania Tamimi, dated January 10, 2007, regarding license requirements to provide teleradiology services from another state – A motion was made to have Lisa Anderson, Program Manager and Sandra Adix, AAG look into the legality of this request.
- 8.4. Dental Organization for Conscious Sedation letter, dated December 18, 2006, with offer to attend an “Oral Sedation Dentistry” course scheduled for March 2007 in Seattle. Dr. Saepoff and Dr. Davis were approved by the Commission to attend and staff will notify DOCS of their interest.
- 8.5. Citizen Advocacy Center’s notice of meeting in Seattle, October 29-31, 2007 – Provided to the Commission for information only.
- 8.6. A letter received from the Dental Organization for Conscious Sedation (DOCS) was presented to the Commission. The Commission found the letter to be misleading to the dentists who had received it, and staff indicated that several calls had been received asking for clarification. The course announcement, while technically accurate, leads dentists to believe that their coursework meets the requirements for the State of Washington. At this point, new rules have not yet been adopted. A motion was made to address DOCS with a letter. Dr. Saepoff offered to assist Lisa Anderson with the writing of the letter, and Sandra Adix will be asked to provide legal guidance as well.

## **9. CONSENT AGENDA**

In an effort to streamline the size of meeting packets and the size of e-mail notifications, Joy King advocated to discontinue providing information that has normally been provided via the consent agenda. Some members receive the consent agenda materials via e-mail, others require hard copies. An email will be sent to the

Commission members asking which members would like to continue receiving consent agenda materials and which would not.

- 9.1. Washington Physicians Health Program (WPHP) 2006 DQAC Semiannual Report, December 12, 2006 – Provided to the Commission for information only.
- 9.2. Letter to Mick Oreskovich, MD, Medical Director and CEO, WPHP – Provided to the Commission for information only.
- 9.3. Letter to Kathleen Roth, President, American Dental Association (ADA) – Provided to the Commission for information only.
- 9.4. Letter to Dr. Delma Kinlaw, DDS, President, Council of Interstate Testing Agencies (CITA) – Provided to the Commission for information only.
- 9.5. Letter to Ms. Leah Diane Howell, Executive Director, Mississippi State Board of Dental Examiners – Provided to the Commission for information only.
- 9.6. Dental Health Update – WSDA – Winter 2007 – Provided to the Commission for information only.
- 9.7. HPQA Update from Bonnie King, Director – Provided to the Commission for information only.
- 9.8. Health Systems Quality Assurance Accomplishments – 2006 – Provided to the Commission for information only.
- 9.9. Department of Health Accomplishments – 2006 – Provided to the Commission for information only.
- 9.10. Dental Organization for Conscious Sedation advertising of training session – This item was moved to 8.6. on the agenda.
- 9.11. Arizona State Board of Dental examiners Newsletter – December 2006 – Provided to the Commission for information only.
- 9.12. Nebraska Board of Dentistry Newsletter – November 2006 – Provided to the Commission for information only.
- 9.13. Kentucky Board of Dentistry Newsletter – Fall 2006 – Provided to the Commission for information only.
- 9.14. Article guidelines for child sedation updated – December 2006 – Provided to the Commission for information only.
- 9.15. Health care scrutiny tightened – Provided to the Commission for information only.
- 9.16. Article – Visit to dentist now part of getting ready for school – Provided to the Commission for information only.

## **CLOSED SESSION**

### **10. EXECUTIVE SESSION**

The term “executive session” is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a-k), and only during a regular or special meeting.

## **OPEN SESSION**

## **11. FUTURE COMMISSION BUSINESS**

## **12. BUSINESS MEETING ADJOURNMENT**

With no further business the meeting was adjourned at 10:30 p.m. Disciplinary panels will begin at 8:00 a.m. on Friday, February 9, 2007.

Respectfully Submitted By:

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Deonna Chartrey, Health Service Consultant I

Commission Approval By:

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Mark Koday, DDS, Chair